



Pombo: Reservation shopping threatens tribal values and rights

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When I was appointed chair of the U.S. House of Representatives Committee on Resources two years ago, I promised Indian country my policies and ambitions for their people would be one of increased economic opportunities and strengthened sovereignty. Entering my second Congress as chair of the committee with oversight over American Indian issues, I am proudly undertaking one of the most ambitious ventures to follow through on that promise.

I believe policies from Washington, D.C. should encourage tribes to take control of their futures and the futures of their children. After hearing numerous, unsolicited concerns about a growing practice in Indian country known as "reservation shopping," or off-reservation gaming, I pledged to work with tribal leaders around the country to find a solution to this problem.

Off-reservation gaming jeopardizes many of the core values Indian tribes hold dear: sovereignty, self-determination, tribal unity and economic independence.

Generations of Indians struggled for and achieved the sovereign rights of tribes. This status, although not easily attained, is easily forfeited. Some tribes seeking off-reservation gaming deals eagerly offer to give away some of the rights won for all tribes. The consequence of these backdoor deals may not immediately appear, but in the long run I fear that all tribes will be expected to willingly trade the same sovereign rights and make the same concessions.

The intent of tribal government gaming was to rebuild reservation economies shattered by decades of warfare, isolation and neglect. Congress wrote the Indian Gaming Regulatory Act (IGRA) to provide a framework for tribal economic development opportunities to provide better education for their children, health care and housing for their elders, and new economic opportunities for all in the tribal community.

IGRA was intended to protect tribes from greedy outside interests such as developers and governors eager to get their hands on a "fair share" of tribes' gaming revenues. The law never envisioned sovereign tribes paying their financial "fair share" to state governments because that "fair share" amounts to nothing less than a state tax.

But the more Indian gaming is allowed to disconnect itself from Indian reservation lands, the more indistinguishable it becomes from commercial gaming operations that are taxed and regulated by the state.

The implications are vast and serious. Once a tribe is willing to share sky-high percentages of its revenue with a state government deep in debt, soon all tribes will be expected to follow. This undermines tribes' chances for economic improvement and surrenders their sovereignty.

Equally concerning are proposals involving developers eager to prey on impoverished tribes. The specifics of these proposals are greatly slanted toward the benefit of the developers, leaving little in terms of real revenue for tribal operations.

But the consequences of reservation shopping do not end within reservation borders. The Indian country news reaching most Americans today involves off-reservation gaming that brought casinos to areas where communities never contemplated them. Americans should only hear the success stories of Indian gaming

boosting tribal economies and bettering the lives of its tribal members. But instead, the story most Americans hear today about tribal casinos is about a proposal to move one into yet another neighborhood or state where no one ever envisioned gaming.

Ultimately, off-reservation gaming casts a cloud over legitimate gaming operations and undermines tribal initiatives. The negative publicity and local opposition leads to calls of concern to lawmakers in Washington, who are then forced to take anti-gaming and anti-Indian positions on legislation before Congress. This is why off-reservation gaming has made it difficult for tribes to take land into trust, regardless of the purpose, and for Congress to pass pro-Indian legislation.

I am committed to work toward a solution that benefits all of Indian country. I wrote a draft bill concerning off-reservation gaming that would clarify under what circumstances, if any, an off-reservation gaming project would be allowed. It is imperative to address these problems on a national level to ensure continued success for tribal gaming operations.

When the Resources Committee held a hearing on the issue this month, I emphasized that my proposed bill is a work in progress. After hearing testimony from a number of witnesses and tribal leaders, I planned to provide meaningful and responsible changes to the draft to create the most effective and fair legislation through a process of consultation with tribal leaders from around the country.

I want to close loopholes that currently allow greedy developers and state revenue-sharing schemes to take advantage of tribes. By clarifying where gaming can and cannot occur, we will restore the original intent of IGRA and protect the sovereign rights of tribes across the country.

Rep. Richard W. Pombo, a Republican from the 11th district in California, has been a member of Congress since 1992. On Jan. 8, 2003 he was voted chairman of the House Resources Committee. As chairman, he has jurisdiction over Indian affairs in the U.S. House of Representatives.